

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,

Plaintiff,

V.

NEWEGG INC.,

Defendant.

Case No. 6:07-CV-00511-LED

**PLAINTIFF SOVERAIN’S REPLY IN SUPPORT OF ITS MOTION FOR
PREJUDGMENT INTEREST AND COSTS, POST-VERDICT DAMAGES TO
JUDGMENT, AND POST-JUDGMENT INTEREST**

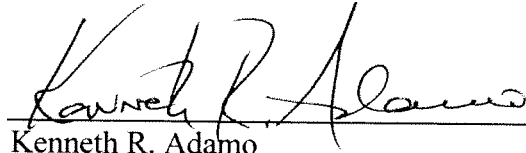
Newegg concedes (if its motion for JMOLs on non-infringement and validity are denied), that Soverain is entitled to prejudgment interest, costs, post-verdict damages to judgment, and post-judgment interest calculated pursuant to 28 U.S.C. § 1961.

Newegg contends, however, that the only proper calculation of prejudgment interest is based on the U.S. Treasury Bill rate. Newegg is mistaken. This Court is “afforded wide latitude” to select a prejudgment interest rate, and “may award interest at or above the prime rate.” *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 939 F.2d 1540, 1545 (Fed. Cir. 1991) (affirming prejudgment interest award at the prime rate compounded daily). Indeed, Newegg does not dispute that in the Eastern District of Texas, prejudgment interest normally is based on the prime rate, compounded. *See Creative Internet Advertising Corp. v. Yahoo Inc.*, 689 F.Supp.2d 858 (E.D. Tex. 2010) (awarding prejudgment interest at the prime rate, compounded annually); *z4 Tech. v. Microsoft Corp.*, 2006 WL 2401099, at *27 (E.D. Tex. 2006), *aff’d*, 507 F.2d 1340 (Fed. Cir. 2007) (awarding prejudgment interest at the prime rate, compounded monthly).

Soverain is entitled to \$98,499 in prejudgment interest, together with costs, post-verdict damages to judgment, and post-judgment interest calculated pursuant to 28 U.S.C. § 1961.

Dated: June 14, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth R. Adamo", is written over a horizontal line.

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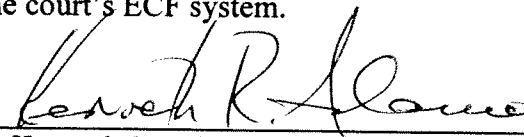
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that on June 14, 2010, a true and correct copy of the foregoing document has been served on all counsel of record via the court's ECF system.

A handwritten signature in black ink, appearing to read "Kenneth R. Adamo", is written over a horizontal line.

Kenneth R. Adamo